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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,075	06/02/2005	Berthold Mollenhauer	H0075.70099US00	4427
23628 7590 06/26/2008 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER DUMAS, NKEISHA J				
ART UNIT 3632		PAPER NUMBER		
MAIL DATE 06/26/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,075

Applicant(s)

LEIMBACH, BERTHOLD

Examiner

NKEISHA J. DUMAS

Art Unit

3632

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 30-42, 48-54, 56 and 57 is/are rejected.
- 7) ☒ Claim(s) 33, 43-47 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following correspondence is a Final Office Action for application no. 10/507,075 for a TRIPOD HEAD, IN PARTICULAR CAMERA TRIPOD HEAD, filed on 9/9/2004. This correspondence is in reply to applicant's response filed on 2/1/2008. Claims 30-57 are pending.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claim 33 recites the limitation "the value" in the tenth line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 30-32, 34-42, 48-50, 52-54, 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor (U.S. Pat 4,083,524).

As best understood, regarding claims 30, 31, 41-42 and 57, O'Connor teaches a tripod head (Fig. 8) comprising: a base member (28c), a tiltable assembly (30), which, on the one hand, is connected to said base member so as to be rotatable about a tilt axis (214) and to which, on the other hand, a mounting, particularly a camera mounting (22), is securely attachable, a means for compensating a tilt moment or mechanism that occurs during the tilt movement, said means or mechanism having at least one energy-storing member (spring, 62, 64) that is freely supported on said base member, wherein said means for compensating the tilt moment or mechanism has at least one carrier (56) connected to said tiltable assembly at a positions some distance away from tilt axis and has at least one pulling member (82, 88, Fig. 8) that interacts with said carrier and said energy-storing member, said pulling member, starting from said carrier, running essentially perpendicular to said tilt axis toward a deflection point (at 86, Fig. 5), and after the deflection, said pulling member running essentially parallel to said tilt axis.

As best understood, regarding claim 32, O'Connor teaches the head of claim 30 wherein the pulling member is deflected or turned back at least once along a path between said carrier and energy-storing member (via member 42).

As best understood, regarding claim 34, O'Connor teaches the head of claim 30, wherein a set of pressure springs (62, 64) is provided.

As best understood, regarding claim 35, O'Connor teaches the head of claim 31, wherein at least one pressure spring is a helical spring.

As best understood, regarding claim 36, O'Connor teaches the head of claim 31, wherein at least one pressure spring is aligned essentially parallel to said tilt axis and can be compressed in this direction.

As best understood, regarding claim 37, O'Connor teaches the head of claim 31, wherein said at least one pressure spring is clamped between a stationary support means (28c) and a movable support means (52), which is movable particularly in the direction of said tilt axis.

As best understood, regarding claim 38, O'Connor teaches the head of claim 30, wherein one end of said pulling member is connected to a movable support means (108) and another end is connected to said carrier (via members 62, 64 and 66).

As best understood, regarding claims 39-40, O'Connor teaches the head of claim 30, wherein said deflection point of said pulling member is formed by a deflector roll (86) which is rotatable around its own roll shaft.

As best understood, regarding claim 48, O'Connor teaches the head of claim 30, wherein at least one carrier is rotatable around a shaft that is parallel to said tilt axis.

As best understood, regarding claim 49, O'Connor teaches the head of claim 30, wherein said at least one carrier is perpendicular to said tilt axis.

As best understood, regarding claim 50, O'Connor teaches the head of claim 42, wherein said pulling member passes through or loops around said carrier (at 72, 78).

As best understood, regarding claim 52 and 54, O'Connor teaches the head of claim 30, wherein said pulling member is inextensible.

As best understood, regarding claim 53, O'Connor teaches the head of claim 52, wherein said pulling member is prestretched.

As best understood, regarding claim 56, O'Connor teaches the head of claim 30, wherein said carrier is a carrier pin aligned parallel to said tilt axis.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 33 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (U.S. Pat 4,083,524).

As best understood, regarding claim 33, O'Connor teaches the head of claim 30 but does not specifically teach that the tripod head satisfies the formula set forth in claim 33, however, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the head such that it satisfies such a formula since, where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable result variable involves only routine skill in the art.

As best understood, regarding claim 51, O'Connor teaches the head of claim 30 where the pulling member is clamped on or around the carrier, but does not specifically teach that the pulling member is clamped within said carrier. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to construct the head such that the pulling member is clamped within the carrier in order to

establish a tighter connection between the pulling member and the carrier to prevent the pulling member from disconnecting from the carrier.

Allowable Subject Matter

9. Claims 43-47 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 2/1/2008 have been fully considered but they are not persuasive.

11. Regarding claims 30-42, 48-54, 56 and 57, applicant argues that the O'Connor prior art reference (U.S. Pat. 4,083,524) does not teach "at least one pulling member that interacts with said carrier and said energy-storing member" and further does not disclose or suggest "said pulling member, starting from said carrier, running essentially perpendicular to said tilt axis toward a deflection point, and after the deflection, said pulling member running essentially parallel to said tilt axis" as set forth in independent claims 30 and 57. The examiner respectfully disagrees. Applicant considers member 56 of the O'Connor reference to constitute a pulling member, but the examiner considers element 82 (long arm) to constitute a pulling member. The examiner considers member 82 to constitute a pulling member because it is attached to the lower yoke (66) and is "pulled" or urged in a counterclockwise direction under the force of springs 62 (col. 8, lines 45-60). Further, as shown above, the pulling member runs essentially perpendicular to the tilt axis toward a point of deflection (86, point at which

the pulling member is bent and changes direction), and after the deflection, the pulling member running essentially parallel to said tilt axis, as shown in Fig. 8. Thus, the examiner believes that the O'Connor reference teaches all of the claimed limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nkeisha J. Dumas whose telephone number is (571) 272-5781. The examiner can normally be reached on Monday - Friday, 7:00 a.m. - 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nkeisha J. Dumas/
Examiner, Art Unit 3632

/Anita M. King/
Primary Examiner, Art Unit 3632

June 16, 2008